

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 27 June, 2000,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF  
TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and  
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to a roadway improvement project on SR-90 at the intersection of Charleston Road in the City, to include a new right turn lane, curb, gutter and sidewalk, and a multi-use pathway along the east side of SR-90, it is necessary to extend a 3 cell, 5 foot by 10 foot box culvert 35 feet east, at an estimated cost of \$70,000.00, all at State expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. 24062  
Filed with the Secretary of State  
Date Filed: 06/27/00  
Peteey Gayles  
Secretary of State

By Dicky D. Graenewold

## II. SCOPE

### 1. The City will:

a. Provide design plans, specifications and such other documents and services required for the Project suitable for construction bidding and construction.

b. Call for bids and award one or more construction contracts for the improvement Project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

c. Upon completion, approve and accept the Project improvements as complete and provide maintenance.

d. Invoice the State for the reasonable direct actual cost of the Project, with no profit or fee, in a total amount not to exceed \$70,000 00. Be responsible for all costs associated with the Project over and above the State's contribution of \$70,000 00.

### 2. The State will:

Upon receipt and approval of an invoice, pay the City for the reasonable direct actual cost of the project, in an amount not to exceed \$70,000 00

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

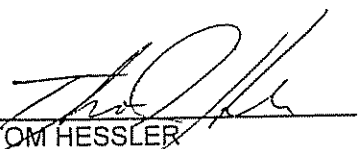
City of Sierra Vista  
City Manager  
2400 E. Tacoma Street  
Sierra Vista, AZ 85635

7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF SIERRA VISTA**

By

  
TOM HESSLER  
Mayor

**STATE OF ARIZONA**

Department of Transportation

By

  
WILLIAM J. HIGGINS  
Deputy State Engineer

ATTEST

By

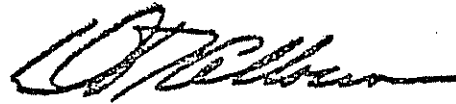
  
SANDRA L. KENNY  
City Clerk

00-47 doc  
4apr

RESOLUTION

BE IT RESOLVED on this 24th day of April 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the design, construction and maintenance of a CBC extension on SR-90 @ Charleston Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.  
Assistant State Engineer  
Engineering Technical Group  
for Mary E. Peters, Director

RESOLUTION 4408

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO MAKE ROADWAY IMPROVEMENTS AT CHARLESTON ROAD AND STATE ROUTE 90 AND CONTRIBUTE UP TO \$70,000.00 TOWARDS PROJECT CONSTRUCTION; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capacity of City revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, the intersection of State Route 90 and Charleston Road supports a high volume of vehicle traffic and is in need of widening and improvements; and

WHEREAS, it is in the mutual interest and benefit for ADOT and the City to improve the intersection at the State Route 90 and Charleston Road; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement that will allow ADOT to contribute up to \$70,000.00 towards the intersection and roadway improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council of seeking Federal and State funding assistance, be, and hereby is, reaffirmed.

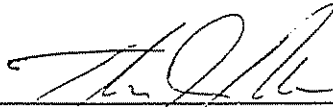
SECTION 2

That the City Council approves entering into an Intergovernmental Agreement with ADOT to contribute up to \$70,000.00 towards the intersection and roadway improvements at State Route 90 and Charleston Road.


SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

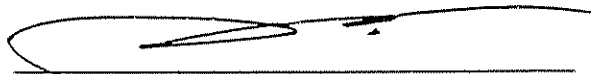
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 8th DAY OF June 2000.

  
\_\_\_\_\_  
THOMAS J. HESSLER  
Mayor

ATTEST:

  
\_\_\_\_\_  
SANDRA L. KENNY  
City Clerk

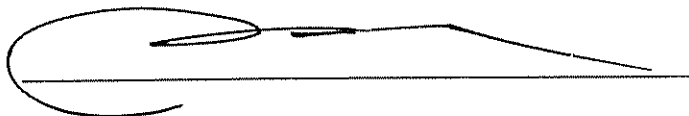
APPROVED AS TO FORM:

  
\_\_\_\_\_  
STUART L. FAUVER  
City Attorney

APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX, AZ. 85007-2926

JANET NAPOLITANO  
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE : (602) 542-5025

FACSIMILE : (602) 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR00-0604TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED: June 21, 2000.

JANET NAPOLITANO  
Attorney General

SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:ggt

Enc.

632896





# City of Sierra Vista

June 13, 2000

Mr. William Higgins  
Arizona Department of Transportation  
Joint Project Administration  
205 South 17<sup>th</sup> Avenue, Mail Drop 616E  
Phoenix, AZ 85007

SUBJECT: Intergovernmental Agreement – State Route 90 and Charleston  
Road – JPA 00-47

Dear Mr. Higgins:

Please find enclosed three signed copies of the above referenced agreement.  
Upon final execution, please return a copy to me for my files.

If you have any questions, please give me a call.

Sincerely,

*D. Michael Clawson*

D. MICHAEL CLAWSON, CPPO  
Purchasing Manager

DMC/lja

Enclosure

*To Bill H  
15 June*



## Arizona Department of Transportation

INTERMODAL TRANSPORTATION DIVISION  
JOINT PROJECT ADMINISTRATION  
205 South 17th Avenue - Room 293E, Mail Drop 616E  
Phoenix, Arizona 85007

27 April 2000

Jane Dee Hull  
*Governor*

Mary E. Peters  
*Director*

E. Jack Hammitt  
*Joint Project  
Administrator*

Edward D. Wright  
*State Engineer*

Ms. Jackie Power Watkins, P.E.  
City of Sierra Vista Engineering Department  
1011 N. Coronado Drive  
Sierra Vista, AZ 85635

*Need TRAFS*

Re: SR-90 @ Charleston Road CBC  
**Agreement: JPA 00-47**

Dear Jackie:

Find enclosed three each originals of the above subject agreements which defines the responsibilities of the City and the State incident to the above subject project.

Please obtain the written approval of the City attorney, the **resolution or minutes** of the City Council approving the agreement, and the signatures of the appropriate officials. Upon execution please return all originals to the undersigned, **to the attention of Mail Drop 616E**, for state signatures, attorney general approval and filing with the Secretary of State. Please make no other entries on the agreements. Please do not date the first page.

Questions may be directed to the undersigned at (602) 712-8369.

Sincerely,

E. Jack Hammitt, CPM  
Joint Project Administrator

Encl